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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/368,996	08/05/1999	TIMOTHY P. BARBER	2-604.2-1	6192

4955 7590 11/22/2004

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EXAMINER

WASYLCHAK, STEVEN R

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 11/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/368,996

Applicant(s)

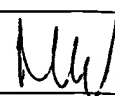
BARBER, TIMOTHY P.

Examiner

Steven R. Wasylchak

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Claims 1-13 are pending.
2. The arguments presented in the amendment are not persuasive and they do not overcome the prior art of record. Applicant's representative is invited to contact the examiner to discuss the future prosecution of this application.
3. Examine responds to Applicant's arguments:

page 9: links redirecting a consumer from vendor to a third party (ISP or ASP) are not novel, examiner will swear behind an affidavit to this effect having constructed his web site store front selling optical equipment using HTML software more than five years ago. Timing mechanisms, like credit payments, are controlled by the ISP or ASP or locally by software.

page 10: mere multiplicity of links is not novel. Monitoring is inherently done by software and micro controllers as an design electrical engineer is well aware; examiner will again swear behind an affidavit to this effect.

Claim Rejections - 35 USC § 102

4. The following is a quotation of 35 U.S.C. 102(b) which forms the basis for all obviousness rejections set forth in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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5. Claims 1 – 13 are rejected under 35 US.C. 102 (b) as being unpatentable over Dedrick (US 6,016,509).

Claim 1,

(Amended) A method of billing, by a third party, for access by a consumer to information made available by a vendor over a computer network, with the billing based on how long the consumer elects to access the information, the method comprising the steps of:

a) when a consumer visits a vendor network address and decides to purchase access to information from the vendor, having the consumer exercise a link that will connect the consumer to the third party;/ abstract (GUI is the link); col 1, L 19-46(vendor is Nexis); col 2, L 6-14; col 4, L 40-43(HTML routing by links); col 7, L 6-15(third party is

clearinghouse server)

b) having the third party initiate billing and connect the consumer to a location of the vendor where the information resides, wherein, in initiating billing of the consumer, the third party begins timing access by the consumer to the information made available by the vendor; and/ abstract; fig 1(14); fig 5a(100); fig 5b(118); col 2, L 11-26; col 3, L 50-54; col 5, L 14-30; col 7, L 6-15 (third party is clearinghouse server); col 8, L 55-64

c) making available a means by which the third party is made aware of when the consumer finishes accessing the information./fig 1(18,20,14,12); col 1, L 19-37; col 2, L 64 to col 3, L16

Claim 2,

(Amended) A method of billing a consumer for access for a limited time to information made available by a vendor, the access provided over a computer network, the method

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requiring participation by a third party to mediate between the consumer and the vendor, the method comprising the steps of:

a) having the vendor establish an account with the third party and provide to the third party a session connect address that is an address on the computer network of the information made available by the vendor;/ fig 2(36,37,38); fig 5a(100,102,104); col 1, L 46-64

b) having the third party provide the vendor with a start session address that is an address on the computer network of the third party to which the vendor is to direct a consumer to start timing access by the consumer to the information made available by the vendor;/ fig 2(36,37,38); fig 5a(100,102,104); col 1, L 46-64; col 2, L64 to col 3, L 3; col 8, L 55 -64

c) having the vendor make available over the computer network a pricetag link that will connect a prospective consumer with the third party;/col 1, L 65 to col 2, L 14; col 4, L56 to col 5, L 30

d) if the consumer exercises the pricetag link, having the third party return to the consumer a pricetag page that includes a price-per-unit time for access to the information made available for access by the vendor, a maximum duration of access for which the consumer is authorized, and a link to a start session address, which is an address of the third party;/ col 1, L 65 to col 2, L 14; col 4, L 56 to col 5, L 30; col 8, L 55 -64

e) if the consumer exercises the link to the start session address, having the third party return to the consumer an end session link, which the consumer can use to terminate

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the purchase of access to information from the vendor earlier than waiting for the maximum duration of access to expire, and an authentication code;/ fig 2(36,37,38); col 2, L 11-26; col 3, L 16-34; col 4, L 56 to col 5, L 31

f) also if the consumer exercises the link to the start session address, having the third party provide to the vendor the consumer authentication code and the consumer address, and begin billing the consumer beginning when the consumer exercised the start session link;/ fig 2(36,37,38); col 2, L 11-26; col 3, L 16-34; col 4, L 56 to col 5, L 31

g) having the vendor provide to the consumer a page, located at the session connect address of the vendor, that provides an access link to the information made available by the vendor;/fig 2(30,32,34,36,37,38); col 1, L19-37; col 7, L 16-34

h) if the consumer exercises the access link, having the vendor provide access to the information until either the maximum duration expires, or the consumer exercises the end session link; and/ fig 2(36,37,38); col 2, L 11-26; col 3, L 16-34; col 4, L 56 to col 5, L 31

i) if the consumer exercises the end session link, which redirects the consumer to the third party, having the third party notify the vendor that the consumer access is terminated, and having the third party stop billing the consumer./ fig 2(36,37,38); col 2, L 11-26; col 3, L 16-34; col 4, L 56 to col 5, L 31

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Claim 3,

The method of claim 2, wherein when the consumer accesses the network address of the vendor, the vendor transmits to the consumer a page which the pricetag link that provides enough information to the consumer for the consumer to decide whether to look further into purchasing information from the vendor./ col 1, L 19-37; col 4, L 56 to col 5, L 31

Claim 4,

The method of claim 2, wherein the third party redirects the consumer to link to the vendor and in so linking passes to the vendor the consumer authorization code and consumer address as parameters of the link./ col 1, L 19-37; col 3, L 16-34 (see password as authorization code)

Claim 5,

(New) A method of billing a consumer for access for a limited time to information made available by a vendor, the access provided over a computer network, the method requiring participation by a third party to mediate between the consumer and the vendor, the method comprising the steps of:

a) having the vendor establish an account with the third party and provide to the third party a session connect address that is an address on the computer network of the information made available by the vendor; /abstract; col 1, L 19-46(vendor is Nexis); col 2, L 6-14; col 4, L 40-43(HTML routing by links); col 7, L 6-15(third party is clearinghouse server)

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b) having the third party provide the vendor with a start session address that is an address on the computer network of the third party to which the vendor is to direct a consumer to start timing access by the consumer to the information made available by the vendor; and/ fig 2(36,37,38); fig 5a(100,102,104); col 1, L 46-64; col 2, L64 to col 3, L 3; col 8, L 55 -64

c) having the vendor make available over the computer network a pricetag link that will connect a prospective consumer with the third party;/ abstract; fig 1(14); fig 5a(100); fig 5b(118); col 2, L 11-26; col 3, L 50-54; col 5, L 14-30; col 7, L 6-15 (third party is clearinghouse server); col 8, L 55-64

d) making available a means by which the third party is able to determine when access by the consumer to the information is terminated; and/ fig 1(18,20,14,12); col 1, L 19-37; col 2, L 64 to col 3, L16

e) having the third party stop timing access by the consumer to the information made available by the vendor once the third party determines when the access by the consumer to the information is terminated./ fig 2(36,37,38); col 2, L 11-26; col 3, L 16-34; col 4, L 56 to col 5, L 31

Claim 6,

(New) The method of claim 5, wherein the means by which the third party is able to determine when access by the consumer to the information is terminated is based on a maximum duration of access to the information, and further wherein the third party determines when the access by the consumer to the information is terminated by

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determining that the maximum duration has expired./ fig 2(36,37,38); col 2, L 11-26; col 3, L 16-34; col 4, L 56 to col 5, L 31

Claim 7,

(New) The method of claim 5, wherein the means by which the third party is able to determine when access by the consumer to the information is terminated includes an end session link that is a link the consumer can use to terminate the purchase of access to information from the vendor, and further wherein the third party determines when the access by the consumer to the information is terminated by determining that the consumer has exercised the end session link./ fig 1(18,20,14,12); col 1, L 19-37; col 2, L 64 to col 3, L16; col 8, L 51-64

Claim 8. (New)

The method of claim 1, further comprising a step in which the third party stops timing access to the information based on a maximum duration of access to the information./ fig 1(18,20,14,12); col 1, L 19-37; col 2, L 64 to col 3, L16

Claim 9. (Currently amended)

The method of claim 1, further comprising a step in which the third party provides an end session address for use by the consumer in signaling to the third party to stop timing access to the information./ fig 2(36,37,38); fig 5a(100,102,104); col 1, L 46-64

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Claim 10. (Currently amended)

A system for billing, by a third party,
for access by a consumer to information made available by a
vendor over a computer network, with the billing based on how
long the consumer continues to access the information, the system
comprising:
having a vendor network address on the
computer network, and including means for providing an
exercisable third-party link for connecting equipment
operated by the consumer to a server operated by the third party
and connected to the computer network; and
the third party server, for initiating billing and
connecting the consumer equipment to a location accessible over
the computer network where the information made available by the
vendor resides, and including means for providing an exercisable
start-session link by which the consumer indicates the consumer
has begun access of the information made available by the vendor,
and also means by which to initiate timing access by the consumer
to the information made available by the vendor if the consumer
exercises the start-session link;
a vendor server wherein the third-party link and the start-session link are
links on respective pages for presentation to the consumer by a

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browser hosted by equipment operated by the consumer./ fig 2(36,37,38); fig 5a(100,102,104); col 1, L 46-64; col 2, L64 to col 3, L 3; col 8, L 55 –64; col 1, L 65 to col 2, L 14; col 4, L56 to col 5, L 30

Claim 11,

A system for billing as in claim 10,

wherein the third party server includes means for providing to the consumer an end session address for use by the consumer in ending access to the information by linking the consumer equipment to the end session address, and also includes means by which to terminate timing access to the information if the consumer links to the end session address./ fig 2(36,37,38); col 2, L 11-26; col 3, L 16-34; col 4, L 56 to col 5, L 31

Claim 12. (Currently amended)

A system for billing as in claim10 wherein the third party server includes means for stopping timing access to the information based on the consumer having exceeded a maximum duration of access to the information./ fig 2(36,37,38); col 2, L 11-26; col 3, L 16-34; col 4, L 56 to col 5, L 31

Claim 13. (New)

A method of billing, by a third party, for access over computer network by a consumer operating consumer equipment to information made available over the computer network by a vendor,

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the vendor and the third party operating respective servers connected to the computer network each of which servers has a network address, the method comprising the steps of:

the vendor server presenting to the consumer an exercisable link for connecting the consumer to the third party third-party server; and

the third party server presenting to the consumer equipment an exercisable start-session link for use by the consumer in starting timed access to the information and also for use by the third party as a signal for starting to time access to the information, and the third party server directing the consumer equipment to a location where the information resides if the consumer exercises the start-session link;

wherein the third-party link and the start-session link are links on respective pages for presentation to the consumer by a browser hosted by equipment operated by the consumer./ fig 2(36,37,38); fig 5a(100,102,104); col 1, L 46-64; col 2, L64 to col 3, L 3; col 8, L 55 –64; abstract; col 1, L 19-46(vendor is Nexis); col 2, L 6-14; col 4, L 40-43(HTML routing by links); col 7, L 6-15(third party is clearinghouse server)

This action is **FINAL**. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven R. Wasylchak whose

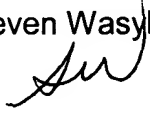
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telephone number is (703) 308-2848. The examiner can normally be reached on Monday-Thursday from 7:00 a.m. to 6:00 p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin, can be reached at (703) 308-1065. The fax number for Art Unit 3624 is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Steven Wasylchak


11/11/04



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